

E.O. 12065

1. Balancing test - emphasis on public's right to know.
2. Confidential - information whose unauthorized disclosure reasonably could be expected to cause identifiable damage to the national security.
3. Duration of classification - no longer than six years unless extended by an original Top Secret classification authority for periods up to 20 years. Classification of foreign government information may be extended up to 30 years.
4. Portion marking - required unless a waiver has been granted for specified classes of documents or information by the Director of the Information Security Oversight Office (ISOO).
5. Systematic review - required for permanently valuable documents.
6. "Mosaic" or "aggregate" approach to classification not mentioned.
7. Unauthorized disclosure of foreign government information or the identity of a foreign confidential source is presumed to cause at least identifiable damage to the national security.
8. Third agency rule mentioned only in implementing directive.

Draft of New Executive Order

1. No balancing test - emphasis on protection of national security information.
2. Confidential - information whose unauthorized disclosure reasonably could be expected to cause damage to the national security. The word identifiable has been dropped.
3. Duration of classification - as long as required by national security considerations.
4. Portion marking not mentioned.
5. Systematic review - optional, at discretion of agencies.
6. Information must be considered in the context of related information when making a classification determination.
7. Unauthorized disclosure of foreign government information or information relating to intelligence sources or methods is presumed to cause damage to the national security.
8. Third agency rule specifically included.

MAJOR POINTS OF INTEREST TO THE AGENCY THAT WERE
NOT INCLUDED IN THE ISOO DRAFT

1. "Matters whose disclosure might place the life or safety of an individual in jeopardy" is not listed as a criteria for classification.
2. The draft no longer spells out the DCI's authority to ensure the establishment of common security, access, dissemination and control standards for special access programs.